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BY:

*Kimberly Hugler*

Date:

*10/2/03*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re Patent Application of:

Antonio Morlacchi

Conf. No.: 6525

: Group Art Unit: 1751

Appln. No.: 09/838,035

: Examiner: Derrick G Hamlin

Filing Date: April 19, 2001

: Attorney Docket No.: 6023-133US (MI/X13646)

Title: PROCESS FOR WATERPROOFING LEATHER AND LEATHER OBTAINED  
BY THE PROCESS

REQUEST FOR RECONSIDERATION AND NEW NON-FINAL ACTION

This is in response to the Office Action dated July 2, 2003 (Paper No. 4), in the above identified patent application.

The Office Action of Paper No. 4 is improper and incomplete because it does not act on all of the claims. The Examiner objected to claims 3-14 as being in improper form because a multiple dependent claim cannot depend on multiple dependent claims. Accordingly, claims 3-14 were not further treated on the merits.

The Examiner's objection is incorrect. Thus, Applicant filed with the application on April 19, 2001 a Preliminary Amendment which submitted a Substitute Specification and claims in clean form and with a marked up version. Another copy of the Preliminary Amendment is enclosed for the Examiner's convenience, in case it is missing from the file. The Preliminary Amendment and Substitute Specification corrected the claims, among other things, to eliminate the multiple dependencies and place the claims in proper U.S. form. Therefore, the Examiner should have acted on all of the claims as presented in the Preliminary Amendment, and not the claims set forth in the original version of the application.

Application No. 09/838,035  
Reply to Office Action of July 2, 2003

The undersigned telephoned the Examiner on July 16, 2003, shortly after receipt of the Office Action and requested a new Office Action based upon the Substitute Specification and claims. The undersigned requested the Examiner to check the file to determine whether the Substitute Specification was there and to inform the undersigned whether a new Office Action would be forthcoming. No response was received.

The undersigned telephoned the Examiner again on September 24, 2003, after receiving a request from the client as to how to respond to the Office Action. The Examiner stated that it would be necessary to file a written response stating that the Office Action was improper and requesting a new, non-final Office Action acting on all of the claims. He further stated that a new, non-final action on all of the claims would then be issued, rather than restarting the time on the current Office Action. Accordingly, reconsideration and a new, non-final Office Action acting on the merits of all of the claims are respectfully requested.

Respectfully submitted,

October 2, 2003

(Date)

By:



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Enclosure: Copy of Preliminary Amendment with attached  
Substitute Specification and Marked up Copy